

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 BYFORD "PETER" WHITTINGHAM,

Case No.: 2:20-cv-00811-GMN-EJY

5 Plaintiff,

6 v.

ORDER

7 STATE OF NEVADA, ex. rel. NEVADA
8 ATTORNEY GENERAL'S OFFICE, a
subdivision of the State of Nevada,

9 Defendant.

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11 This matter has been referred to the undersigned Magistrate Judge for a settlement
12 conference. ECF No. 84. An in-person settlement conference is set for **Wednesday, May 22, 2024**.
13 Plaintiff must report to the chambers of the undersigned United States Magistrate Judge, Room 3005,
14 Lloyd D. George United States Courthouse, 333 Las Vegas Boulevard South, Las Vegas, Nevada at
15 **9:00 a.m.** Defendant must report to the chambers of the undersigned at **9:30 a.m.**

16 Do not come to the courthouse if you are experiencing flu-like symptoms or if you have been
17 in contact with someone who has recently been diagnosed with COVID-19. If you do not feel well
18 or believe you have been exposed to COVID-19, contact Emily Santiago at
19 Emily_Santiago@nvd.uscourts.gov as far in advance of the settlement conference date as possible.
20 The settlement conference may be rescheduled or arrangements may be made to have an individual
21 appear remotely.

22 Unless the Court orders otherwise, all parties must be present in person for the duration of
23 the settlement conference. This means that all Plaintiffs and Defendants must attend unless expressly
24 excused by the Court. **Any request to be excused must be filed, after consultation with opposing**
25 **counsel, no later than seven (7) days before the date of the settlement conference.**

26 If any party is subject to coverage by an insurance carrier, a representative of the insurance
27 carrier with authority to settle this matter up to the full amount of the claim **must** attend.
28

PREPARATION FOR SETTLEMENT CONFERENCE

In preparation for the settlement conference, each party must submit a confidential settlement conference statement for in camera review. The **confidential settlement conference statement, with exhibits should not, generally, exceed 50 pages and must be delivered electronically to Emily.Santiago@nvd.uscourts.gov by 3:00 p.m. on May 15, 2024.**

The confidential statement must be presented on pleading paper (numbered consecutively beginning with 1 on the left margin of each page with no more than 28 lines per page) and contain the attorney or pro se party's name and address, court title, and case caption. In addition, the confidential settlement statement must contain the following:

1. A brief statement of the nature of the claims and defenses;
2. A concise summary of the evidence that supports your theory of the case, including key individuals who will provide testimony if this matter goes to trial, the Rule 26(a)(1)(A)(iii) computation of damages, and the Rule 26(a)(1)(A)(iv) insurance information. Each party must provide all information that documents or supports your damages claims. Copies of medical records or treatment records need not be submitted; however, these may be provided in a table or summary format;
3. Any documents or exhibits that are relevant to key factual or legal issues, including selected pages from deposition transcripts or responses to other discovery requests. **Please do not provide entire deposition transcripts or audio/video recordings;**
4. An analysis of the key issues involved in the litigation. The analysis must include a discussion of the strongest points in your case, both legal and factual, and a frank discussion of the weakest points as well. The Court expects the parties to present a thorough analysis of the key issues and candid evaluation of the merits of your case;
5. Identification and explanation of any obstacles to settlement such as medical liens, statutory caps, or motions pending before the court;

7. The initial settlement proposal that will be presented at the settlement conference with a justification for any monetary amount. The proposal must include any non-monetary settlement terms that will be presented.

Do not serve a copy of your confidential settlement brief on opposing counsel. Do not deliver or mail a copy to the clerk's office.

The purpose of the statement is to assist the undersigned Magistrate Judge in preparing for and conducting the settlement conference. To facilitate a meaningful conference, your utmost candor in responding to all of the above-listed topics is required. The settlement conference statement is confidential. If this case does not settle, the settlement conference statement will not be disclosed to the district judge who will preside over the trial. Each statement will be securely maintained in chambers and will be destroyed following the conference.

Failure to comply with the requirements set forth in this Order will subject the non-compliant party to sanctions under Federal Rule of Civil Procedure 16(f).

Dated this 29th day of April, 2024.


ELAYNA J. YOUCHAK
UNITED STATES MAGISTRATE JUDGE